THE HONOURABLE SRI JUSTICE GODA RAGHURAM

AND

THE HONOURABLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION NO. 8905 of 2006

DATED.03-10-2007

BETWEEN:

M.V.Subba Rao son of Ramakrishna Sastry

…Petitioner

VS.

The District & Sessions Judge, Chittoor and others

..Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

AND

THE HONOURABLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION NO.8905 of 2006

ORAL ORDER(Per GR,J)

The order of the 1st respondent in Dis.No.1322/ESTT/2006, dated.21-02-2006 is assailed in this writ petition. By the said order the petitioner's claim, for promotion as a Copyist was rejected and his assertion that his case is similar to the case of the petitioners in W.P.No.985 of 1998, which was disposed of by the order dated.28-11-2005, was rejected terming it as distinct of the case of the petitioners therein. His current claim for promotion as a Copyist is rejected by the impugned order on the ground that there is no provision under the Andhra Pradesh Judicial Ministerial Service Rules, 2003 (for short "2003 Rules") for promotion to the category of Copyist from the Last Grade Service.

The petitioner was regularized in the category of an Attender in 1991. He was temporarily promoted as a Copyist by the proceedings of the 1st respondent dated.02-02-1996 along with seven others. These promotions including of the petitioner were ordered on the ground that these persons are better qualified than others. The

promotions were ordered to be temporary until regular candidates are selected. However, ignoring the temporary nature of the promotions made by the order dated.02-02-1996 and without any formal order of regular promotion as Copyist, the 1st respondent by the order dated.24-05-1997 “regularized temporary services” of certain persons including the 8 temporarily promoted as Copyists by the order dated.02-02-1996. By a subsequent order dated.30-12-1997 seven of the temporarily promoted Copyists were reverted as Process Servers, with again temporary promotion as AMINS. Challenging the order of reversion some of the petitioner’s colleagues thus reverted filed W.P.No.985 of 1998. The petitioner preferred W.P.No.6975 of 1998 latter. The petitioners in W.P.No.985 of 1998 were granted an interim direction which enabled them to continue as Copyists notwithstanding the order of reversion impugned in that writ petition. No interim order was however granted to the petitioner herein in writ petition No.6775 of 1998. On 18-03-1998 on behalf of the petitioner a representation was made for withdrawing W.P.No.6975 of 1998 with a view to pursue an appellate remedy before the 2nd respondent. By the order dated.18-03-1998 W.P.No.6975 of 1998 was dismissed as withdrawn with a liberty to pursue the appellate remedy.

The petitioner preferred an appeal to the 2nd respondent. By the order dated.03-04-1999, the 2nd respondent rejected the appeal on the ground that the initial promotion on 02-02-1996 of the petitioner as Copyist was temporary in character till regular candidates of Copyists are selected and therefore the order of reversion was valid. The petitioner thereafter pursued no remedies either against the order of the 1st respondent dated.30-12-1997 reverting him as a Process Server nor against the order of the 2nd respondent dated.03-04-1999 rejecting his appeal therefrom. Instead, the petitioner made representations to the 1st respondent for promotion as a Copyist. W.P.No.985 of 1995 filed by others similarly situate as the petitioner,

came up for final hearing before a Division Bench of this Court on 30-11-2005. At the hearing it was represented on behalf of the 1st respondent herein that during the pendency of that writ petition the case of the petitioners therein for promotion as Copyists had been considered and their services were regularized with retrospective effect and their seniority restored. Recording this submission, W.P.No.985 of 1998 was disposed of as infructuous. Even thereafter the petitioner failed to take any steps to challenge the order of regularization of the services of his colleagues as Copyists. He continued with representations to the 1st respondent for promotion as a Copyist.

Meanwhile, the erstwhile A.P.J.M.S. Rules were substituted by the 2003 Rules. Under the 2003 Rules there was no promotional avenue available to the category of Copyist from the Last Grade Service. The petitioner's prospective claims for promotion as Copyist from the category of Process Server was therefore impermissible in the context of the 2003 Rules. Considering the several representations of the petitioner for promotion as Copyist, the 1st respondent by the order impugned therefore held that there was no provision for promotion as Copyist from the Last Grade Service. The 1st respondent in this order has also rightly held that the case of the petitioner is different from the case of the other persons. The continuance of those persons and the orders for their regularization have not been questioned by the writ petitioner. Even in this writ petition filed in 2006, the petitioner does not canvass the correctness of the order of his reversion dated.30-12-1997 or the order of the 2nd respondent rejecting his appeal dated.03-04-1999. The petitioner is now ineligible for consideration for promotion as a Copyist in view of the absence of any such promotional avenue under the 2003 Rules.

On the aforesaid analysis there are no merits. The writ petition is accordingly dismissed. There shall however be no order as to costs.

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GODA RAGHURAM,J

3RD OCTOBER,2007
PVSN/TSNR

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S.ANANDA REDDY,J